

EXHIBIT

tabbies

DENIED
ALABAMA

March 4, 2005

CIRCUIT JUDGE

IN THE CIRCUIT COURT OF COVINGTON COUNTY

X PARTE LARRY EARL JONES,

PETITIONER,

V

STATE OF ALABAMA,

DEFENDANT,

RESPONDENT.

CASE No. CC 2003-418-419-187.

FILED IN OFFICE

MAR 03 2005

"FOR WRIT OF HABEAS CORPUS"

COME NOW LARRY EARL JONES, PRO SE, AND PETITIONS THE ABOVE-NAMED COURT FOR A WRIT OF HABEAS CORPUS TO PREMISES CONSIDERED OF ACTION SHOULD BE TAKING, OF COVINGTON COUNTY CIRCUIT COURT AND SHOWS THE FOLLOWING IN SUPPORT OF THIS PETITION.

ON OR ABOUT SEP, 17, 2002, PETITIONER WERE ARRESTED AND CHARGE WITH POSS OF DRUG PARAPHENALIA, SEE ATTCH SHEETS, ALABAMA UNIFORM ARREST REPORT PAGE "ONE", ALSO SEE PAGES TWO (3) THREE, IN ALL THREE CHARGES, THE PARAPHENALIAS WERE SENT TO DEPARTMENT OF FORENSIC SCIENCES, TO BE TESTED FOR RESIDUE III THREE CAME BACK POSITIVE, PETITIONER WERE CHARGE THREE COUNTS POSS. CONTROLLED SUBSTANCE A CLASS (C) FELONY AND THREE CLASS (A) MISDEMEANOR.

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MAR 03 2005

FACTS

THE UNSENTENCE PETITIONER IS BEING HELD IN THE COVINGTON COUNTY JAIL, SINCE JUNE 22, 2004, WITH AN EXCESSIVE BAIL OF \$200,000. PETITIONER REQUEST THAT HE BE RELEASE BECAUSE HE ALLEGING THAT HE HAS BEEN DEPRIVED OF HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BY STATE'S FAILURE TO TIMELY BRING HIM TO TRIAL ON ALL CHARGES. HE AVERS THAT HE HAS FILE MOTIONS TO DISMISS THE INDICTMENT, ONE WAS FILE NOV 3, 2004. AND PETITIONER FILE MOTION FOR BOND REDUCTION OCT 23 2004. PETITIONER ENCLOSE COPIES, FOR THE COURTS, OF ANSWER OR RETURN WAS FILED BY THE STATE REFUTING THE ALLEGATIONS OF THE MOTIONS, THUS, FOR THE PURPOSE OF THESE PROCEEDING, THE ALLEGATIONS MUST BE TAKEN AS TRUE, AND THAT THE STATE OF ALABAMA HAS FAILED TO MAKE A GOOD FAITH EFFORT TO BRING HIM TO TRIAL HE CLAIMS WHILE INCARCERATED AT COVINGTON COUNTY JAIL OR BEFORE HE BE CAME INCARCERATED. HE FILED WITH AN EXCESSIVE \$200,000 BAIL. MOTION FOR FAST AND SPEEDY TRIAL. FILED OCT 29, 2004. ENCLOSE COPY.

THE SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL IS ENFORCEABLE AGAINST THE STATES BY VIRTUE OF THE FOURTEENTH AMENDMENT. 239 U.S. 257 (1915). THIS CONSTITUTIONAL GUARANTEE HAS UNIVERSALLY BEEN THOUGHT ESSENTIAL TO PROTECT AT LEAST THREE BASIC DEMANDS OF CRIMINAL JUSTICE IN THE ANGLO-AMERICAN LEGAL SYSTEM: (1) TO PREVENT UNNECESSARY AND OPPRESSIVE INCARCERATION PRIOR TO TRIAL, (2) TO MINIMIZE ANXIETY AND CONCERN ACCOMPANYING PUBLIC ACCUSATION AND (3)

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Limit the Possibilities that Long delay will impair the Ability
 of an Accused to defend himself, These demands are both
 aggravated and compounded in the case of an accused who
 is imprisoned and that's grounds to be Release from "Custody",
 Petitioner Constitutional Right to a Speedy Trial is Violated may be
 granted Relief by Habeas Corpus where his Motion for Dismissal
 is denied and no other Remedy is available, Blake v. State,
 48 So. 2d 968 (Ala. Cr. App. 1984). Also see United States Code
 Service, Crimes and Criminal Procedure, 2421 - 3530 - Title (18),
 U.S.C.S., Chapter - 208, Speedy Trial Sections - 3161(A-B-C-
 -H), -3162-(A-2-B-4) - 3163-(B-1-2-C-~~1~~) - 3164(A-B-C),
SANCTIONS (VIOLATION) STATE HAS FAILED
 to Comply - Crimes and Criminal Procedure Rules, that grounds
 for Petitioner to be Release from "Custody" Also see the
RULES OF EVIDENCE - RULE 403, grounds of Prejudice,
 Confusion, and Waste of Time. There's Evidence Excluded
 by the State its Probative Value is substantially outwe-
 ighed by the danger of unfair Prejudice Confusion of
 issues of the indictment and the jury were mislead-
 ing in setting an excessive \$200,000 bail, by consideration
 of undue delay, because of sanctions Violation
 there should not be a trial, it a waste of time,
 Petitioner said if he don't get the Dismissal of the
 indictment, he will go higher to next court.

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"Relief Sought"

PETITIONER HAS BEEN OUT ON THE SAME BAIL A YEAR $\frac{1}{2}$. THE STATE'S
 HAD A CONSTITUTIONAL DUTY TO MAKE A DILIGENT, GOOD FAITH EFFORT
 TO BRING HIM TO TRIAL FOR THE CHARGES, STATE'S FAILED TO.
 PETITIONER WAS LABELED AS A KNOWN DRUG ADDICTS IN THE YEAR
 OF 2002, THAT WHEN HE GOT THIS CHARGES. PETITIONER DID
 SEEK FOR HELP THANK TO THE JAIL, THE PETITIONER FOUND
 A PROGRAM NEW LIFE CENTER CHRISTIAN RECOVERY PROGRAM
 317 NORTH MAIN STREET ENTERPRISE, AL 36334. AT THAT
 TIME HON. GRAY LANIER WERE PETITIONER ATTORNEY. THE STATE
 SHOW PREJUDICE BY REFUSE OR ALLOW NOT TO BE RELEASE. PETITIONER
 ENCLOSE THE LETTER PAGE 14 FOUR EXCESSIVE \$200,000
 BAIL, SEE AMEND. 8 NOTE 47B EXCESSIVE BAIL, ETC. PAGE 227,
 ALCOHOLICS AND DRUG ADDICTS SHOULD NOT BE PERMITTED TO GO
 THROUGH WITHDRAWAL IN COUNTY JAIL WITHOUT PROPER MEDICAL
 ATTENTION AND CARE IN A SUITABLY EQUIPPED MEDICAL FACILITY.
 HEREAFTER THEY SHOULD NOT BE INCARCERATE IN MAIN COUNTY
 JAIL BUT RATHER SHOULD BE DIVERTED TO INCARCERATION AT
 COUNTY REHABILITATION CENTER OR OTHER AVAILABLE
 SITES UNDER THE GUIDANCE OF PROPERLY TRAINED PERSONNEL.
 THE DENIAL PETITIONER RIGHTS TO REHABILITATION CENTER,
 PREJUDICE THE PETITIONER. ALBERTI V. SHERIFF OF HARRIS
 COUNTY, TEXAS D.C. TEX. 1975, 406 F. SUPP. 1049.

"Relief Sought"

• AT HEART OF 18 U.S.C.S 3161 ET SEQ, AND A.B.A STANDARDS

"

RELIEF SOUGHT"

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Rajiv A. Puri

2 PRINCIPLE THAT PETITIONER MUST BE DISCHARGED IF NOT BROUGHT
 2 TRIAL WITHIN SPECIFIC NUMBER OF DAYS; SUCH ABSOLUTE
 TIME PRESSURE, LEADING TO DISMISSAL OF INDICTMENT IF SCHEDULE
 2 VIOLATED, ARGUABLY SUGGEST AND MAY EVEN REQUIRE EXCEPTION
 2 TO SCHEDULE FOR CERTAIN VARIABLES NOT SUBJECT TO STRICT CONTROL
 2 TRIAL COURT MANAGERS. DAY V. UNITED STATES (1978, DISC
 1PP) 390 A2d 957. CONGRESS HAS FORMALIZED CONCERN OVER
 DELAY IN DISPOSITION OF CRIMINAL CASE BY ENACTMENT OF SPEEDY
 TRIAL ACT OF 1974 (18 U.S.C.S 3161 ET SEQ), AND COURT HAS
 DEMONSTRATED ITS CONCERN FOR MINIMIZING UNDUE DELAY IN PROMPT
 DISPOSITION OF CRIMINAL CASE BY ADOPTING PLAN TO ACHIEVE THIS
 DESIRED GOAL PURSUANT TO RULE 50 (B); THEREFORE MOTION OF
 PETITIONER TO DISMISS INDICTMENT PURSUANT TO RULE 48 (B) WILL
 BE GRANTED. UNITED STATES V. DOWD (1975, DC MINN) 394 F
 SUPP 1250. RELIEF SHOULD BE SOUGHT IN THIS CASES.

REASONS WHY THE WRIT SHOULD ISSUE,

1. PETITIONER HAS BEEN IN AND OUT OF JAIL SINCE
 THE YEAR OF 2002, EACH TIME HE WOULD BE INCARCERATED
 2 MONTHS OR MORE THEM MONTHS ADD UP OVER A
 YEAR OR MORE.

2. PETITIONER HAS SUFFER A LOTS OF PAIN, AND HIS
 COSTS, HE JUST WANT TO GET ON WITH HIS LIFE
 HIS FAMILY AND LOVE ONES MISS HIM AND NEED HIM

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REASON WHY THE WRIT SHOULD ~~BE~~ ^{ISSUE}.

AND HIS SUPPORT, SINCE HIS INCARCERATION HIS FAMILY SUFFER HARDSHIP. MOSTLY WHY THE WRIT SHOULD ISSUE PETITIONER HAS SUFFER PREJUDICE BY THE STATES, STATES DEPRIVED PETITIONER OF HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BY FAILURE TO TIMELY BRING HIM TO TRIAL, THE STATES PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE IN SETTING AN EXCESSIVE \$200,000 BAIL, SO PETITIONER COULD NOT MAKE BAIL TO GO TO REHABILITATION CENTER, STATES VIOLATE SANCTIONS.

(REASON WHY THE WRIT SHOULD ISSUE.)

THE ^{STATES} SHOULD HAVE MADE A RULING ON MOTION TO DISMISS THE INDICTMENT OR RULE ON MOTION TO REDUCE BOND, THE ^{STATES} SHOULD HAVE MADE A RULING ON ALL MOTIONS THAT PETITIONER FILED IN THE CIRCUIT COURT.

(REASON WHY THE WRIT SHOULD ISSUE.)

THE PETITIONER WOULD LIKE TO LEAVE THE STATE OF ALABAMA, THATS WHY THE WRIT SHOULD ISSUE SO PETITIONER AND HIS FAMILY CAN GET ON WITH THERE LIVES, THE INDICTMENT SHOULD BE DISMISS, SO PETITIONER AND HIS FAMILY COULD GET ON WITH THERE LIVES.

PETITIONER HAS DID ALL HIS ^{TIME} FOR DRUG PARAPHENALIA A MISDEMEANOR TIME SERVE, "THE WRIT SHOULD ISSUE" BECAUSE OF THE FACTS, THAT THE PETITIONER SHOULD BE RELEASE FROM HIS UNLAWFULLY INCARCERATION.

Res Petfury Submitted This The 28 Day of Feb. 05 ~~Served~~
WHEREFORE, THE PREMISES CONSIDERED, PETITIONER PRAYS THAT
THE COURT GRANT THE PETITION AND ORDER THAT AN ANSWER
TO THE PETITION BE FILED BY RESPONDENTS, AT THE EARLIEST
POSSIBLE TIME.

I CERTIFY THAT I HAVE THIS THE 28 DAY OF FEB
05, SERVED COPIES OF THIS PETITION ON THE RESPONDENT
JUDGE AND ALL OTHER PARTIES TO THE ACTION IN THE TRIAL
COURT.

Sarajie Earl Jones,
PETITIONER.

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MAR 03 2005

Ronald A. P...
CLERK

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	R84 Completed
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 0 2 3 0 2 0 0		2 AGENCY NAME OPP POLICE DEPARTMEN		3 CASE # 0 2 0 0 9 0 0 9 8		4 SFX	
5 LAST, FIRST, MIDDLE NAME JONES, LARYIE E							
6 ALIAS AKA							
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B <input type="checkbox"/> A	9 HGT. 5' 06"	10 WGT. 180	11 EYE BRO	12 HAIR BLK	13	14
15 PLACE OF BIRTH (CITY, COUNTY, STATE) GENEVA GENEVA AL		16 SSN 4 1 6 - 8 8 - 7 4 7 3		17 DATE OF BIRTH 0 4 2 5 6 0		18 AGE 042	19 MISCELLANEOUS ID # S416887473
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL HENRY CLASS NCIC CLASS		22 DL # 3961008		23 ST AL	
24 FBI #		25 IDENTIFICATION COMMENTS					
26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 1005 BARNES ST LOT 30 PO BOX 191 OPP, AL 36467		28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) SELF		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) OPP, AL 36467		32 BUSINESS PHONE			
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) BARNES ST OPP, AL 36467		34 SECTOR # S		35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> IN STATE <input type="checkbox"/> OUT STATE <input type="checkbox"/> AGENCY			
36 CONDITION OF <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER ARRESTEE: <input checked="" type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS		37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		38 INJURIES? <input checked="" type="checkbox"/> NONE <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> SHOTGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> OTHER WEAPON							
41 DATE OF ARREST 0 9 1 7 0 2		42 TIME OF ARREST 23:13		43 DAY OF ARREST S M T W T F S 1 2 3 4 5 6 7		44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	
45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN							
46 CHARGE - 1 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		47 UCR CODE 3550		48 CHARGE - 2 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		49 UCR CODE	
50 STATE CODE/LOCAL ORDINANCE 013A-12-0260		51 WARRANT #		52 DATE ISSUED M D Y		53 STATE CODE/LOCAL ORDINANCE	
54 WARRANT #		55 DATE ISSUED M D Y		56 CHARGE - 3 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		57 UCR CODE	
58 CHARGE - 4 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		59 UCR CODE		60 STATE CODE/LOCAL ORDINANCE		61 WARRANT #	
62 DATE ISSUED M D Y		63 STATE CODE/LOCAL ORDINANCE		64 WARRANT #		65 DATE ISSUED M D Y	
66 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT - LE <input checked="" type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> RELEASED		67 IF OUT ON RELEASE WHAT TYPE?		68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
70 VYR		71 VMA		72 VMO		73 VST	
74 VCO TOP		75 TAG #		76 LIS		77 UY	
78 VIN		79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		80 STORAGE LOCATION/IMPOUND #			
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input checked="" type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY							
83 RELEASED TO							
4 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)		85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE			
7 PARENTS EMPLOYER		88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)		90 PHONE	
1 DATE AND TIME OF RELEASE M D Y 1 1 AM 2 PM		92 RELEASING OFFICER NAME		93 AGENCY/DIVISION		94 ID #	
5 RELEASED TO:		96 AGENCY/DIVISION		97 AGENCY ADDRESS		98	
9 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		99 PROPERTY NOT RELEASED / HELD AT:		100 PROPERTY #			
11 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) Hold - Simpson, Genev, PD's DTF							
12 SIGNATURE OF RECEIVING OFFICER							
13 SIGNATURE OF RELEASING OFFICER							
104 CASE #		105 SFX		106 CASE #		107 SFX	
108 CASE #		109 SFX		110 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N		111 WATCH CMOR.	
112 ID # 00H22		113 ARRESTING OFFICER (LAST, FIRST, M.) JOYNER, PHILLIP		114 ID # 00H49		115 SUPERVISOR	
116 WATCH CMOR.		117		118		119	

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CLERK

Covington County Sheriff		INMATE DATA				Booking Number 200000317	
Printed: Tue Sep 24, 2002		LARYIE E JONES (S416887473)				Booking Date SEPTEMBER 24th, 2002	
Section D-BLOCK	Block	Cell	Bed	Social Security Number 416-88-7473	Alias	Est Release Date	
Address APT # 8 HILLCREST APTS. OPP AL 36467						Home Telephone	
Sex M	Date of Birth 1960-04-25	Age 42	Height 5' 09"	Weight 190	Race BLACK	Eyes BROWN	Hair BLACK
Drivers License			Class	Vehicle Tag			Tag Year
Next of Kin LINDA AUSTIN 1005 BARNES ST LOT 38 OPP AL 36467						NOK Telephone (334) 493-0560	
Charge(s) PODP						Bond 500.	
Jailer CJ005 HORATH, EUGENE			Photo Taken By CJ005 HORATH, EUGENE			Fingerprinted By	
Admission Type ARREST						Phone Call Y	NCIC Check Y
Arrest Case Number 3				DNA Sample By			
Agency Arrested For OPP				Arresting Officer 00138 ANDERSON, JR			
Agency Hold For OPP/SAMSON/GENEVA/DTF							
Release Date		Release Time		Release Officer			
Notes SUBJECT ARRESTED FOR OPP PD							

FILED IN OFFICE
MAR 03 2005

Randy A. [Signature]
CLERK

Covington County Sheriff		FREE INMATE DATA				Booking Number 200000317	
Printed: Sun Dec 29, 2002		LARYIE E JONES (S416887473)				Booking Date SEPTEMBER 24th, 2002	
Section D-BLOCK	Block	Cell 7	Bed	Social Security Number 416-88-7473	Alias		Est Release Date
Address APT # 8 HILLCREST APTS. OPP AL 36467						Home Telephone	
Sex M	Date of Birth 1960-04-25	Age 42	Height 5' 09"	Weight 190	Race BLACK	Eyes BROWN	Hair BLACK
Drivers License			Class	Vehicle Tag		Tag Year	
Next of Kin LINDA AUSTIN 1005 BARNES ST LOT 38 OPP AL 36467						NOK Telephone (334) 493-0560	
Charges(s) POCS,PODP 10,000. 3,000.						Bond	
Jailer CJ005 HORATH, EUGENE			Photo Taken By CJ005 HORATH, EUGENE		Fingerprinted By		
Admission Type ARREST						Phone Call Y	NCIC Check Y
Arrest Case Number Box 99					DNA Sample By		
Agency Arrested For COV. COUNTY					Arresting Officer 02303 WEST, HOWARD		
Agency Hold For OPP/SAMSON/GENEVA/DTF							
Release Date		Release Time		Release Officer			
Notes SUBJECT ARRESTED ON 11-01-02 BY H. WEST FOR POCS.PODP HOLD FOR GENEVA CO							

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MAR 03 2005



 Roy A. Pinner

EX-17 PAGE 4

New Life Center
Christian Recovery Program
317 North Main Street
Enterprise, Alabama 36330

September 14, 2004

Laryie Earl Jones
290 Hillcrest Dr.
Andalusia, Al 36420

Laryie Earl Jones:

We have received your letter and we are willing to accept you to our program if the courts will allow you to be released for you to come here to our facility. On the reverse side of this letter is a release of information for you to fill out and return to us. Make sure that you put your C.R.O.s name and phone number so we can contact them so that if a bed becomes available they can affect a release from Jail for you. If you have a probation officer or attorney who you feel can serve you better in this area, than put their name and contact information down as well. Once we receive this letter back with the reverse side completed we will be able to put your name on our waiting list and contact you in the order we receive these applications. If a bed should become available than we shall contact your C.R.O. or probation officer or attorney and let them know.

Once contacted, clients are to report to the New Life Center for Pre Admission Program.

By doing so the client will be guaranteed a slot in the next available class. These are the next three file dates so you can make your intake arrangements.

If you don't hear from us before February, please contact us to reapply.

Fill Date September 20, 2004

Fill Date December 13, 2004

Fill Date January 3, 2005

This is a no fee, work/study program

In Christ's Service,

Gene Warren

Gene Warren, PhD
Director

E-mail: NLC@aol.com, Phone (334) 393-5641
Web Page: <http://www.newlifeneewbeginning.com>

FILED IN OFFICE

MAR 03 2005

Roger A. Pearson
CLERK

Motion To Dismiss THE INDICTMENT

STATE OF ALABAMA

V.

LARRYIE EARL JONES

GRAND JURY NO. 503-504-507-508-

CASE NO. CC-2003-413, -1

STATE OF ALABAMA

IN THE CIRCUIT COURT

OF COVINGTON COUNTY

FILED IN OFFICE
MAR 03 2005

THE DEFENDANT LARRYIE EARL JONES (PRO, SE), ~~MOVES~~ THAT
THE INDICTMENT BE DISMISSED ON THE FOLLOWING GROUNDS;

1. THE INDICTMENT DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE AN OFFENSE.
2. THE INDICTMENT IS LEGALLY INSUFFICIENT IN THAT; DEFENDANT OBJECTIONS TO THE VENIRE, THE LACK OF LEGAL QUALIFICATIONS OF AN INDIVIDUAL GRAND JUROR, THE LEGAL INSUFFICIENCY OF THE INDICTMENT, AND FAILURE OF THE INDICTMENT TO CHARGE AN OFFENSE, ON JUNE 22, 2004, COUNT ONE, COUNT TWO WHERE DEFENDANT WAS CHARGED IN THE INDICTMENT, THE CHARGES IS DEFECT, AND THE INDICTMENT SHOULD BE DISMISS AND QUASH, AND APPROPRIATE RELIEF BE GRANTED, AS PROVIDED IN THIS RULE, 13.5. THE FACTS ON JUNE 22, 2004, THAT NIGHT DEFENDANT WERE UNLAWFUL SEARCH, OFFICER DID A PACK DOWN AND HIS CAR WERE SEARCH, NOTHING WERE FOUND ILLEGALLY ON THE DEFENDANT, OR IN HIS POSSESSION. THEREFORE OFFICERS DID NOT GET NOTHING OFF THE DEFENDANT DOING THE SEARCH. ON COUNT ONE AND TWO, IT ADMISSIBILITY OF EVIDENCE, INDICTMENT

ON THE ADMINISTRATION OF THIS CHAPTER (18 USCS 3161) ET SEQ.
AND ON THE ADMINISTRATION OF JUSTICE. FAILURE OF THE DEFENDANT
TO MOVE FOR DISMISSAL PRIOR TO TRIAL OR ENTRY OF A PLEA OF GUILTY
OR Nolo Contendere SHALL CONSTITUTE A WAIVER OF THE RIGHT
TO DISMISSAL UNDER THIS SECTION. DEFENDANT ~~●~~ MOVE FOR
DISMISSAL OF THE INDICTMENT BECAUSE DEFENDANT WAS NOT
BROUGHT TO TRIAL WITHIN THE TIME LIMIT REQUIRED BY SECTION
(3161)(C) (18 USCS 3161(C)) AS EXTENDED BY SECTION (3161)(H)
(18 USCS (3161)(H)). DEFENDANT HAS DEMONSTRATION BASIS ON TO
SHOW GOOD CAUSE WHY THE INDICTMENT SHOULD ~~FILED~~ ^{IN OFFICE} ~~DISMISSAL~~.
THIS SECTION IS REFERRED TO IN (18 USCS 3163, AND 3164) 8 2005

3. THE DEFENDANT COUNSEL AND THE ATTORNEY ~~●~~ ^{FOR THE} ~~FOR THE~~
GOVERNMENT. FAILURE TO ADDRESS THE COURT OF THE
(3162. SANCTIONS) (A) (2) (2) - (B) (3) (2) (4) - (C),
THE COURT SHALL FOLLOW PROCEDURES ESTABLISHED IN THE
FEDERAL RULES OF CRIMINAL PROCEDURE IN PUNISHING
ANY COUNSEL OR ATTORNEY FOR THE GOVERNMENT
PURSUANT TO THIS SECTION. ADDED JAN 3, 1975, P.L. 93-619,
TITLE I 101, 88 Stat. 2079. THIS SECTION IS REFERRED TO IN
(18 USCS 3163, AND 3174. BECAUSE OF THESE
SANCTIONS, THE INDICTMENT SHOULD BE DISMISSAL
WITHOUT PREJUDICE.

4. IN COUNT ONE AND COUNT TWO IN THE SAME INDICTMENT
WHERE DEFENDANT WAS CHARGE JUNE 22, 2004. AND INDICT
ON OCT 13 2004 FOR DRUG PARAPHERNALIA, AND BECAUSE
OF RESERVE A CONTROLLED SUBSTANCE, THE COURT ACT,
UNREASONABLY AND ARBITRARILY IN SETTING A EXCESSIVE
FINE.

5. BECAUSE OF THE ORIGINAL INDICTMENT SEPTEMBER 28, 2004 TWO NEW CHARGES WERE ADDED TO THE ORIGINAL INDICTMENT, THE INDICTMENT IS DEFECTIVE BECAUSE OF TWO NEW CHARGES ADDED, THE INDICTMENT SHOULD BE DISMISSED, BECAUSE OF TIME LIMITS AND EXCLUSIO DEFENDANT WENT TO HIS 72 HOURS HEARING ON OCT, 2004 AND HIS ARRAIGNMENT IS SET FOR NOV 9, 2004 (3/61) (C) THE ARRAIGNMENT OF A DEFENDANT CHARGED IN AN INFORMATION OR INDICTMENT WITH THE COMMISSION OF AN OFFENSE SHALL BE HELD WITHIN TEN DAYS FROM THE FILING DATE (AND MAKING PUBLIC OF THE INFORMATION OR INDICTMENT, OR FROM THE DATE A DEFENDANT HAS BEEN ORDERED HELD TO ANSWER AND HAS APPEARED BEFORE A JUDICIAL OFFICER OF THE COURT IN WHICH SUCH CHARGE IS PENDING WHICHEVER DATE LAST OCCURS. THEREAFTER, WHERE A PLEA OF NOT GUILTY IS ENTERED, THE TRIAL OF THE DEFENDANT SHALL COMMENCE WITHIN SIXTY DAYS FROM ARRAIGNMENT ON THE INFORMATION OR INDICTMENT AT SUCH PLACE, WITHIN THE DISTRICT, AS FIXED BY THE APPROPRIATE JUDICIAL OFFICER. BEFORE OTHER FACTORS NEED BE CONSIDERED, WHERE LONG LENGTH OF DELAY IS FOUND PRESUMPTIVELY PREJUDICIAL, AND WHEN PREJUDICE IS SHOWN, DISMISSAL IS REQUIRED. UNITED STATE V. WENTLAND (1978, CAS Fla) 582 F2d 1022. THIS CHAPTER IS REFERRED TO IN (18 U.S.C.S 3155) REPORT TO CONGRESS FILED IN OFFICE

MAR 03 2005

WHEREFORE DEFENDANT HAS DEMONSTRATION BASIS ON TO SHOW GOOD CAUSE WHY THE INDICTMENT SHOULD BE DISMISSAL DEFENDANT MOVES THIS HONORABLE COURT TO DISMISS THE INDICTMENT, TRANSITIONAL RULES DID APPLY AND WERE VIOLATED THEY APPEAR TO BE MERELY DIRECTORY FOR PRESENT WITH SANCTIONS OF DISMISSAL. MOTION +

SUMPTION OF PREJUDICIAL DELAY, WHERE STATE OF ALABAMA
FAILURE TO TRY WITHIN TIME LIMIT.

RESPECTFULLY SUBMITTED THIS THE 3 DAY OF
NOV, 2004.

Larjie Earl Jones,
DEFENDANT.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED
STATE OF ALABAMA FOR THE OPPOSING PARTY IN THE FOREGOING
MATTER WITH A COPY OF THIS PLEADING BY DEPOSITING
A COPY OF IN THE SAME BY MAILING THE SAME
TO D.A. BY FIRST CLASS UNITED STATES MAIL
PROPERLY ADDRESSED AND POSTED PREPAID OR BY
PERSONAL SERVICE ON THIS THE 3 DAY OF NOV,
2004

Larjie Earl Jones
DEFENDANT.

FILED IN OFFICE

MAR 03 2005

Roger A. Brown
CLERK

IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

LARRY E EARL JONES,

DEFENDANT,

VS.

STATE OF ALABAMA,

PLAINTIFF.

CASE NO. 2003-418-419-1

MOTION FOR BOND REDUCTION

COME NOW THE DEFENDANT, BY AND THROUGH LARRY E EARL JONES PRO, SE, AND MOVE THIS HONORABLE COURT FOR BOND, REDUCTION, AND AS GROUNDS THEREFORE STATES THE FOLLOWING;

FILED IN OFFICE

MAR 03 2005

1. DEFENDANT STATES, THAT CASES NO. 2003-~~418-419-1~~ 418-187, WHERE LACK OF SPEEDY TRIAL, THE ATTORNEY FOR THE GOVERNMENT FAILURE TO TRIED WITHIN TIME LIMITS AND EXCLUSIONS OF THIS CHAPTER (18 U.S.C.S 3161). WHERE THE ATTORNEY FOR THE GOVERNMENT HAS NOT COMPLY WITH THIS RULES AND HAS NOT STATE THE REASON FOR FAILURE TO COMMENCE TRIAL WITHIN TIME LIMITATION THESE IS THE DATES THAT DEFENDANT HAS BEEN ARRESTED FOR THE CHARGE WITH POSSESS DRUG PARAPHERNALIA, 9-24-2-21-03, -MAY-14-03, 9-28-03. DEFENDANT HAS PROVE SANCTION VIOLATED OF SPEEDY TRIAL ACT (18 U.S.C.S 3161 - 3162 - 3163 AND -3164. WHY IS THE DEFENDANT BOND SET AT EXCESSIVE \$200,000?

2. IF THE INDICTMENTS WERE DISMISS, CASE NO. 2003-418-419-187, DEFENDANT BAIL WOULD BE \$13.000 BECAUSE OF THE CHARGE JUNE-22-04, THE INDICTME IS DEFECTED, BECAUSE OF OLD INDICTMENT 9-28-03.
3. RULES OF ALABAMA SUPREME COURT, RULE 33(1). (3) (A)-(B) THE COURT IS IN VIOLATION OF SACTIONS, UNITED STATES CODE SERVICE, CRIMES AND CRIMINAL PROCEDURE, 2421-3530, TITLE 18 U S C S.
4. RULE (33) APPLIES BOTH TO CIVIL CONTEMPT PROCEEDING AND TO CRIMINAL CONTEMPT PROCEEDINGS, THE PERSON BEING PUNISHED HOLDS THE KEYS TO THE JAIL AND CAN GAIN RELEASE AT ANY TIME BY COMPLYING WITH THESE ORDERS. SEE SHILLITANI V. UNITED STATES, 384 U.S. 364 (1966). RULE 33.(1)(A) PROVIDES THAT THE PROCEDURES ESTABLISHED BY THIS RULE (33) TO GOVERN CONTEMPT PROCEEDINGS APPLY ONLY TO CIVIL OR CRIMINAL CONTEMPT PROCEEDINGS ARISING OUT OF CRIMINAL CASES. N.A.A.C.P. V. ALABAMA, 357 U.S. 449 (1958). SEE RULE 33(2) - RULE 33.5, RULE 33.2 (B).
5. RULE (7.4.) SECTION (C) AND (D) PROVIDE A MEANS BY WHICH THE RESPONSIBLE OFFICIALS WILL BE APPRISED OF THE ~~FILED IN US~~ ^{FILED IN US} OF LONG-TERM holdovers.

MAR 03 2005

Wherefore DEFENDANT PRAYS THAT THIS HONORABLE COURT ^{By a Ruler} ON THE SECOND DAY OF DEC, 2004 THAT THIS HONORABLE COURT WOULD GRANT HIM A BOND REDUCTION AS AND PROVIDE BY THIS RULE 7.4.(C) AND (D) AND AS A HEARIN BE HEID AS PROVIDE BY RULES OF ALABAMA SUPREME COURT

OF TIME REQUIRED TO DISPOSE OF PARTICULAR TYPES OF CASE, IN RECOGNITION OF THIS FACT, SOME OF THE RECOMMENDED STANDARDS, THEREFORE, MAY PROVIDE GREATER LENGTHS OF TIME THAN THE AVERAGE AMOUNT OF TIME GENERALLY REQUIRED TO DISPOSE OF A PARTICULAR TYPE OF CASE IN A PARTICULAR CIRCUIT. HOWEVER IT IS CERTAINLY NOT INTENDED THAT THESE STANDARDS BE CONSTRUED TO SUGGEST THAT MORE TIME SHOULD BE TAKEN IN REFERENCE TO SUCH CASES. DEFENDANT REQUESTS THAT THE INDICTMENT BE DISMISSED. *MAYBERRY V. STATE*, 48 ALA. APP. 276, 264 SO.2D 198 (1977).

6. AMONG THE GRAND JURORS WHICH RETURNED THE INDICTMENT THE FOLLOWING WERE NOT QUALIFIED TO SERVE, HERE IS LIST OF THE INDIVIDUAL GRAND JUROR AND DISQUALIFICATION: NORMA P. DAY.

7. THE GRAND JUROR WHICH RETURNED THE INDICTMENT SET DEFENDANT BAIL FIXED AT \$200,000 FOR TWO CLASS (C) FELONY, AND TWO CLASS (A) MISDEMEANOR. ALL OF WHICH PREJUDICES THE SUBSTANTIAL RIGHTS OF THE DEFENDANT, AND ACT UNREASONABLY AND ARBITRARILY. BAIL IS "EXCESSIVE."

10-23-04

DATE

Suzie E. [Signature]

DEFENDANT PRO, SE.

SERVICE ON THIS THE 23TH

RULES 13.5 AND 15 DAY OF OCT, 2004. *Suzie E. [Signature]*
I CERTIFY THAT A COPY OF THE FOREGOING PLEADING HAS BEEN SERVED UPON THE STATE OF ALABAMA AND/OR D.A. FOR ALL PARTIES TO THIS PROCEED BY MAILING THE SAME TO EACH BY FIRST CLASS MAIL.

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
PLAINTIFF,

VS.

LARRY EARL JONES,
DEFENDANT.

CASE NO. 2003-115-419-187

MOTION FOR FAST AND SPEEDY TRIAL
COMES NOW THE DEFENDANT, BY AND THROUGH LARRY EARL JONES, PRO, SE, AND REQUESTS THIS HONORABLE COURT TO GRANT A PROMPT AND SPEEDY TRIAL IN THIS MATTER, AND AS GROUNDS STATES THE FOLLOWING:

1. THE CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL IS DESIGNED TO PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS WHICH MIGHT BE CAUSED BY THE FAULT OF THE PROSECUTION. THE RIGHT TO A SPEEDY TRIAL ON THE MERITS IS NOT DESIGNED AS A SWORD FOR THE DEFENDANT'S ESCAPE, BUT AS A SHIELD FOR HIS PROTECTION. TINER VS. STATE, 182 SO.2D 859 (1966)
2. BETWEEN ARREST ON AN INDICTMENT AND TRIAL THERE ORDINARILY SHOULD NOT BE MORE THAN SIX ^{FILED IN OFFICE} MONTHS. MAYBERRY VS. STATE, 264 SO.2D 198 (1971) MAR 03 2005
3. THE RIGHT OF A SPEEDY TRIAL IS NECESSARILY RELATIVE. IT IS CONSISTENT WITH DELAYS AND DEPENDS UPON CIRCUMSTANCE. IT SECURES RIGHTS TO A DEFENDANT. IT DOES NOT PRELUDE

THE RIGHT OF PUBLIC JUSTICE; THE CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL IS DESIGNED TO PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS WHICH MIGHT BE CAUSED BY THE FAULT OF THE PROSECUTION. TINER VS. STATE, 182 So.2d 859 (1966) RIGHT TO A SPEEDY TRIAL IS A RELATIVE RIGHT WHICH DEPENDS UPON CIRCUMSTANCES OF EACH CASE; IT IS DESIGNED TO PROHIBIT ARBITRARY AND OPPRESSIVE DELAYS CAUSED BY PROSECUTION BUT DOES NOT OPERATE TO DEPRIVE THE STATE OF A REASONABLE OPPORTUNITY OF PROSECUTING CRIMINALS. BRADEN V. STATE, 256 So.2d 425 (1971).

4. CONSTITUTIONAL REQUIREMENT FOR SPEEDY TRIAL IS TO CERTAIN EXTENT SELF EXECUTING, BUT IT CONTEMPLATES LEGISLATIVE ENACTMENT SO AS TO PROVIDE ADEQUATE MACHINERY FOR ADMINISTRATION OF CRIMINAL LAW. EX PARTE SHERIFF RE GEN., 52 So.2d 158 (1951).
5. AN UNREASONABLE DELAY ARISING FROM NEGLIGENCE OF THE PROSECUTION WITHOUT FAULT OR CONSENT BY APPELLANT VIOLATES THE CONSTITUTIONAL GUARANTY OF A SPEEDY TRIAL. FOSTER V. STATE, 229 So.2d 913 (1969).
6. DELAY OF TWO YEARS AND NINE MONTHS, BETWEEN RETURN OF INDICTMENT AND NOTICE TO DEFENDANT OF INDICTMENT, WITHOUT ANY REASONS FOR SUCH DELAY BEING SHOWN BY THE STATE, VIOLATED CONSTITUTIONAL GUARANTY OF SPEEDY TRIAL, AND INDICTMENT SHOULD HAVE BEEN DISMISSED. FOSTER V. STATE, 229 So.2d 913 (1969).
7. THE DEFENDANT WAS INDICTED IN THE ABOVE REFERENCED CASE IN ON SEPTEMBER 28 2002. ON JUNE 22, 2004 WAS A

8. DEFENDANT TRIAL HAS BEEN SET ON NUMEROUS OCCASIONS AND CONTINUED THROUGH NO FAULT OF HIS OWN.
9. WHEREAS THE COURT ACT UNREASONABLY AND ARBITRARILY IN SETTING \$200,000 BAIL IS EXCESSIVE.
10. THIS IS UNREASONABLE DELAY AND THE INDICTMENT IS THEREFORE DUE TO BE DISMISSED, PURSUANT TO USCS RULES OF CRIMINAL PROCEDURE RULE 48 (B). UNITED STATE V. DOWD^{394 F. Supp. 1975 D.C. Md.} RESPECTFULLY SUBMITTED THIS THE 29TH DAY OF OCT, 2004.

Larry Earl Jones,
DEFENDANT.

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CERTIFICATE OF SERVICE ^{Re: A. P. Jones}
CLERK

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED STATE OF ALABAMA FOR THE OPPOSING PARTY IN THE FOREGOING MATTER WITH A COPY OF THIS PLEADING BY DEPOSITING A COPY OF IT IN THE BY MAILING THE SAME TO D.A. BY FIRST CLASS UNITED STATES MAIL PROPERLY ADDRESSED AND POSTED PREPAID OR BY PERSONAL SERVICE ON THIS THE 29TH DAY OF OCT, 2004.

Larry Earl Jones,
DEFENDANT.